

MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,  
VILLAGE HALL, ON WEDNESDAY, SEPTEMBER 4, 1996.

**Members**

**Present:** Patrick J. Gilmartin, Chairman  
Robert Buford  
William Bush  
William Hoffman, Secretary  
Peter Lilienfield

**Members**

**Absent:** None

**Also Present:** Florence Costello, Planning Board  
Clerk  
Eugene Hughey, Building Inspector  
Jan Blaire, E.C. B. Member  
Applicants and other persons mentioned in  
these Minutes  
Members of the Public.

**IPB Matters**

**Considered:** 90-07 -- Wells Subdivision  
Sht. 13B, P-19  
96-17 -- Irvington Associates L.L.C.  
Lot #45  
96-18 -- Mitchell Adler  
Sht. 10A, Bl. 228, Lot 4  
96-19 -- Stephen & Catherine Harty  
Sht. 12A, Bl. 254, Lot 91, 98

The Chairman called the meeting to order at 8:00  
P.M.

**IPB Matter #96-17:** Application of Irvington  
**Associates L.L.C. for** Site  
**Development Plan Approval for Lot #45,**  
**Irvington Manor Subdivision.**

James Ryan, R.L.A., of John Meyer Consulting, David S.  
Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman  
Davis & Hollis, P.C., and Craig Studer, Project Manager

at Legend Hollow, appeared for the Applicant. Mitchell Hochberg, the Chief Executive Officer of Spectrum, the developer, was also present. Applicant paid an application fee of \$250 and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the Public Hearing regarding Lot #45. Reference was made to plans provided to the Board, noted as "Survey of Property prepared for Irvington Associates, LLC in the Village of Irvington, dated August 7, 1996, prepared by William H. Free, Jr., Ward Carpenter Engineers, Inc." and "Site Plan SDP-45, Leitenberger Bronfman Architects, dated 8/6/96, revised 9/4/96". Changes were made to the original plan based on Mr. Ralph G. Mastromonaco's letter dated August 12, 1996 and the site walk by the Planning Board of August 16, 1996. The Board requested that additional items be reflected in the revised plan: (1) A footing drain adjustment to avoid discharge impact on the oak tree (Easement D), (2) A blasting plan must be provided in advance to the Building Inspector. The Chairman read a letter from Thomas Jackson, Chair, ECB, dated 9/3/96. The ECB had no specific comments or objections to the proposal.

On motion duly made seconded and unanimously approved, the Board determined that the application was for a Type II Action under SEQRA. There were no comments from the public. The Public Hearing was closed, with the Board approving the application for Site Development Plan Approval with additional items noted above.

**Other matters were considered:**

1. On behalf of Irvington Associates, Mr. Steinmetz requested an extension of time to complete infrastructure punch list of Phase I and also a Phase II extension to January 31, 1997. This was agreed to unanimously.

2. The Chairman noted receipt of a letter from Mr. Anthony J. Saraniti, 68 Manor Pond Lane, Legend Hollow, representing nine home owners, regarding mail delivery. Mr. Hochberg, representing the Developer, indicated that Spectrum was in agreement with the homeowners that curbside mail delivery should be provided as soon as possible. It was agreed that a gang box would not be installed if its presence would jeopardize mail delivery

to the 18 homeowners. The Chairman stated that he would contact the Mayor on behalf of the Developer and the Planning Board to ask that he request curbside mail delivery from the Postmaster.

3. Mr. Mastromonaco's memo dated August 9, 1996, brought to the Board's attention that he had previously done some work for Spectrum. The Board and the Developer were in agreement that there was no current conflict of interest.

4. Some homeowners present asked that the Board require "Victorian street lights" as opposed to "Match light posts". Since this was not specified in the Limited Site Plan, the Board took no action.

**IPB Matter #96-18:**                      **Application of Mitchell**  
**Adler for Site**  
**Development Plan Approval for property**  
**at 91 Riverview Road.**

Dr. Mitchell Adler appeared personally for the application. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. Applicant proposes to add a one level addition to the existing porch on the east side of the residence, approximately twenty feet in depth and fifteen feet in width, an increase of approximately 300 square feet.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board found the actions to be Type II for SEQRA purposes.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS,** the Planning Board has determined in accordance with Section 243-17 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions

peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

**IPB Matter #96-19:**  
**Catherine Harty for**

**Application of Stephen &**  
**Site Development Plan Approval**  
**for property**  
**at 71 Havemeyer Road.**

Mr. Robert Bierman, representing Stephen Tilly, Architect, appeared on behalf of the application. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The Applicant is requesting Site Development Plan Approval for a two story addition to the rear of the existing two story residence, a total of approximately 843 square feet on a total of two floors and a total of approximately 6,405 cubic feet.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board found the actions to be Type II for SEQRA purposes.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-17 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

**IPB Matter #90-07:**  
**Subdivision for Public**

**Application of Wells**

**Hearing regarding property at**  
**Lewis Road**  
**and Emory Road.**

Gerald D. Reilly, Esq., and Philip M. Maley, Esq., appeared on behalf of the application. The Board received an Affidavit of Mailing of Required Notice to Affected Property Owners. The Chairman opened the Public Hearing for final approval of the subdivision. There was no input from the public. The Chairman closed the Public Hearing.

The Board considered the final approval of the "Subdivision Plat of Lands of the Estate of Jane K. Wells

located at Lewis Road & Emory Road in the Village of Irvington, Town of Greenburgh, Westchester County, New York, dated August 12, 1996".

The proposal is to subdivide to create an additional lot. Since Emory Road is a private road, the owners are granting an easement so the Village can put underground utility on the property and can pile snow at the end of the property.

Upon vote, the Board approved the plat with the caveat that (1) the easement agreement to be signed by the appropriate official of the Village, with the developer to consult with the Village Attorney to determine who that person is, and (2) Note #2 of the Subdivision Plat which has a blank for the filing data of the aforesaid easement agreement, must be completed. Two administrative matters need to be completed, (1) A revised copy of the Resolution for Final Approval of the Subdivision be prepared by Mr. Maley's office with the changes made as discussed, (2) A decision must be made as to whether the rate for the in lieu fee required by Section 207-G of the Village Code is the rate in effect when the application was filed, the rate in effect when final subdivision approval is granted, or some other date. The Chairman said he would ask the Village Attorney for a ruling and that the Applicant's attorney would be informed.

The Board then considered the following administrative matters:

1. The Chairman noted receipt of the "Irvington 2000" report on development of the waterfront. Mr. Buford was asked to review and provide input.
2. Minutes of the Planning Board held on July 10, 1996 and August 7, 1996, previously distributed, were on motion duly made and seconded, approved.
3. The next regular meeting of the Planning Board was scheduled for October 2, 1996.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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William Hoffman,

Secretary